

THE OCS GENERAL PERMIT (Permit No. GMG290000)

DRAFT GENERAL PERMIT FOR DISCHARGES FROM THE OFFSHORE
SUBCATEGORY OF THE OIL AND GAS EXTRACTION POINT SOURCE
CATEGORY TO THE OUTER CONTINENTAL SHELF (OCS) IN THE
WESTERN PORTION OF THE GULF OF MEXICO

U.S. Environmental Protection Agency
Region 6
1201 Elm St.
Dallas, TX 75270

What does and doesn't the proposed permit control?

- › **Will there be oil and gas activities at a particular location?** Permit does not authorize the drilling/production activity itself – only discharges from the activity.
- › **Will the discharges authorized by the permit comply with all applicable water quality and technology requirements of the Clean Water Act?** Yes.
- › **Will there ever be a spill at a facility regulated by the permit?** The permit does not authorize discharges of spills, which are addressed by the Oil Pollution Act of 1990 (much of which is under CWA 311). The permit does include spill prevention requirements to help minimize the likelihood of a spill.

Permit Issuance Process Overview

- › Permitting authority decides to issue the permit to cover a group of dischargers with similar qualities (for example, similar industrial process or materials used) within a given geographical location.
- › Once the permit writer finishes drafting the NPDES permit, the permitting authority initiates a public notice period (of at least 30 days).
- › During the public notice period any interested person may submit written comments on the draft permit and accompanying fact sheet or statement of basis. Any person may request a public hearing on the draft permit. The permitting authority may also decide to hold a public hearing at its discretion.
- › Following the notice and comment period, at the time a final permit is issued, the permitting authority is required to respond to all significant comments and explain any changes made to the draft permit. The permitting authority reviews all comments and, based on an evaluation of the comments, decides whether to issue the permit.
- › For EPA-issued NPDES permits, individuals who are unsatisfied with the terms of a final permit may petition the EPA Environmental Appeals Board to review the permit. Generally, in order to be eligible to appeal a permit, an individual must have either submitted comments on the draft permit or participated in a public hearing on that permit. Once any appeal to the EAB has been resolved, the Agency's final decision may be challenged in Federal court.

How was the permit developed?

- ▶ The Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) permitting program
- ▶ Requires that all discharges of pollutants to surface waters be authorized by NPDES permits (unless exempted)

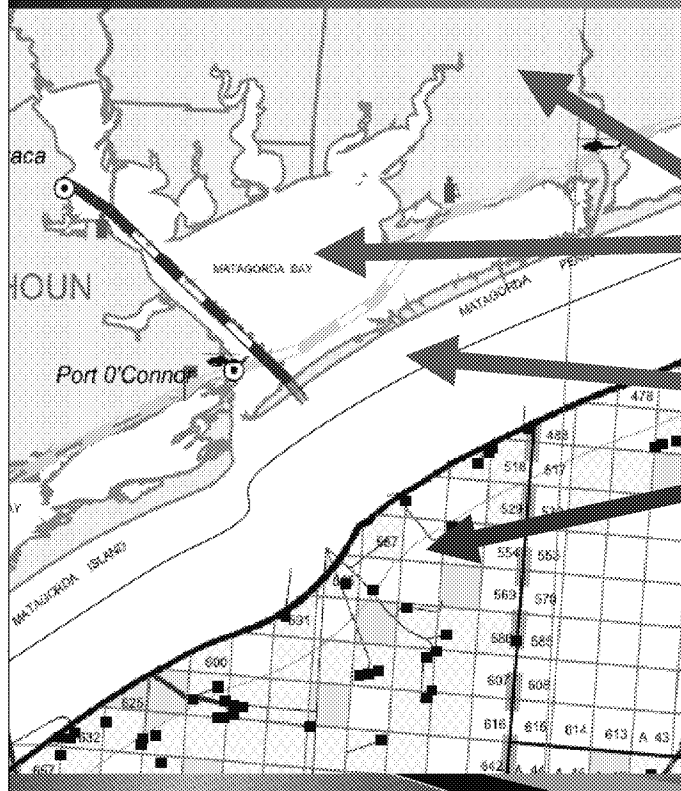
NPDES Permits Require Two Types of Effluent Limits

- Technology based limits
- Water Quality based limits are also required when necessary to protect water quality

Technology Based Limits

- Effluent Limitations Guidelines have been established for oil & gas extraction point source category
 - Established as a National Rulemaking
 - (40 CFR 435)
 - (based on economically achievable technology – dependent on location)
- **Subpart A – Offshore – open ocean**
 - Territorial Seas and Outer Continental Shelf
- Subpart C – Onshore – wellhead on land
- Subpart D – Coastal – inland/wellhead in water
- Subpart E – Agriculture and Wildlife Use
 - onshore west of the 98th meridian
- Subpart F – Stripper – produces less than 10 bbl/day of oil

Subcategories



Subpart C – Onshore
Subpart D – Coastal
Subpart A – Offshore

– Territorial Seas
(0 – 3 miles)
– Outer Continental Shelf
(> 3 miles)

Example of Technology Based Limits

- ▶ Produced Water – Offshore Subcategory
 - Territorial Seas and Outer Continental Shelf
 - Produced Water Discharge Authorized
 - Oil and Grease limits based on dissolved gas floatation technology
 - 29 mg/l monthly average
 - 42 mg/l daily maximum

Water Quality Based Limits

- Based on Mixing in the Receiving Water
 - Often a percentage of the stream flow or area
 - Gulf of Mexico
 - 100 Meter Mixing Zone in Federal Waters
 - Whole Effluent Toxicity
 - Numeric Water Quality Standards
 - Narrative Standards

Examples of Water Quality Based Limits

▶ Produced Water

- 7-day chronic Whole Effluent Toxicity (WET) limit at the edge of mixing zone

▶ Chemically Treated Water

- 48-hour acute Whole Effluent Toxicity (WET) limit at the edge of mixing zone

Contents of Permit Part I – Requirements for NPDES Permit

- Section A. Permit Applicability and Coverage Conditions (i.e., who and where)
- Section B. Effluent Limitations and Monitoring Requirements (i.e., what)
- Section C. Other Discharge Limitations
- Section D. Test Methods (i.e., test procedures)

Contents of Permit Part II– Standard Conditions for NPDES Permits

- Section A. General Conditions (i.e., responsibilities)
- Section B. Proper Operation and Maintenance
- Section C. Monitoring and Records
- Section D. Reporting Requirements
- Section E. Penalties for Violations of Permit Conditions
- Section F. Additional General Permit Conditions
- Section G. Definitions

Current Effluent Limits Highlights

Waste Stream	Effluent Limitations
Drilling Fluids, Drill Cutting	No free oil and 96-hr LC50 toxicity limit
Produced Sand	No discharge
Produced Water	42 max/29 avg mg/l of oil/grease and 7-day toxicity limit,
Well Treatment, Completion, Workover	42 max/29 avg mg/l of oil/grease, and no free oil
Sanitary and Domestic Waste	No floating solids and 1 mg/l of TRC for facility manned by 10 or more persons
Miscellaneous Discharges	No free oil and 7-day toxicity limit for subsea fluids
Chemically Treated Miscellaneous Discharges	No free oil, 48-hr toxicity limit, and most stringent of (1) EPA label, (2) Manufacturer's recommended dose, or (3) 500 mg/l
Cooling Water Intake Structure (CWA 316(b))	Intake screen velocity ≤ 0.5 ft/s and visual/remote inspection

Summary of Changes

2017 Permit	Changes in 2022 Proposed Permit
Industry Wide Study Alternative for Well Treatment Fluids, Completion Fluids, Workover Fluids. Flow for the purpose of calculating a critical dilution (the toxicity limit) and the toxicity testing frequency, is analyzed on a quarterly basis for produced water. Data must be submitted based on testing frequency.	Option is removed. Acute WET limits and Chronic monitoring is required. Flow is analyzed on a yearly basis for critical dilution calculation and toxicity testing frequency determination for produced water. Data must be submitted on a monthly basis regardless of testing frequency.
Miscellaneous discharges.	Authorize subsea cleaning fluids as Miscellaneous discharges.
Invertebrate species listed for toxicity testing is <i>Mysidopsis bahia</i> .	Invertebrate species listed for toxicity testing is <i>Americamysis bahia</i> .
Maximum through-screen design intake velocity shall not exceed 0.5 ft/s for cooling water intake requirements.	Maximum through-screen design intake velocity shall not exceed 0.5 ft/s but must be monitored on a continuous basis. Permittees must develop and implement an operation and maintenance plan and report dates and numeric exceedance numbers.
When eNOI system is unavailable eNOIs must be submitted within 7 days. eNOI update is required to reflect well locations and associated information.	When eNOI system is unavailable eNOIs must be submitted within 14 days. An eNOI is required when a Mobile Offshore Drilling Unit or drilling vessel changes locations and moves to a new lease block.

Summary of Changes

2017 Permit	Changes in 2022 Proposed Permit
No requirement for timely updates to NOI.	Permittees are required to make timely updates to the eNOI. Any change in name, location, address, contact or contact information must be updated within 30 days of the change.
Operators who filed eNOIs under the previous permit, issued on September 28, 2012, will be authorized to discharge by this reissued permit without submittal of an NOI up to April 1, 2018.	Operators who filed eNOIs under the previous permit, will be authorized to discharge by this reissued permit without submittal of an NOI up to 60 days after the effective date of the reissued permit.
Operators may submit temporary NOI when the system is unavailable via paper.	Operators may submit temporary NOIs when the eNOI system is unavailable via email or paper.

Proposed Changes for Compliance Enhancement

- Merger of companies require a signed agreement with additional information. Each company must collect and report their own samples.
- Standard Administrative Continuance language
- Non-compliance reports to EPA required when US Coast Guard requirements are not met.
- Total number of days sheen and floating solids are observed and must be both recorded and reported.
- Noncompliances must be reported at the following address
<https://caedext.epa.gov/ords/caedext/f?p=OFFSHOREINCIDENT>
(previously the R6 GenBox was used)
- MODUS and drilling vessels are required to meet yearly testing regardless of length of stay.
- Facilities have 30 days after a weather event/national disaster occurs to submit DMRs or other required reporting documents.

Public Comment Period

- ▶ July 22, 2022: Notice of availability of draft permit published in the FR for a 60 day comment period and public meetings/hearings announced (also in various newspapers on March 8, 2012)

- ▶ Documents available on

<https://www.epa.gov/npdes-permits/support-documents-npdes-general-permit-offshore-oil-and-gas-operations-western-gulf>

- ▶ Comment Period Ends on September 20, 2022

Contact Information

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Other Contact Information

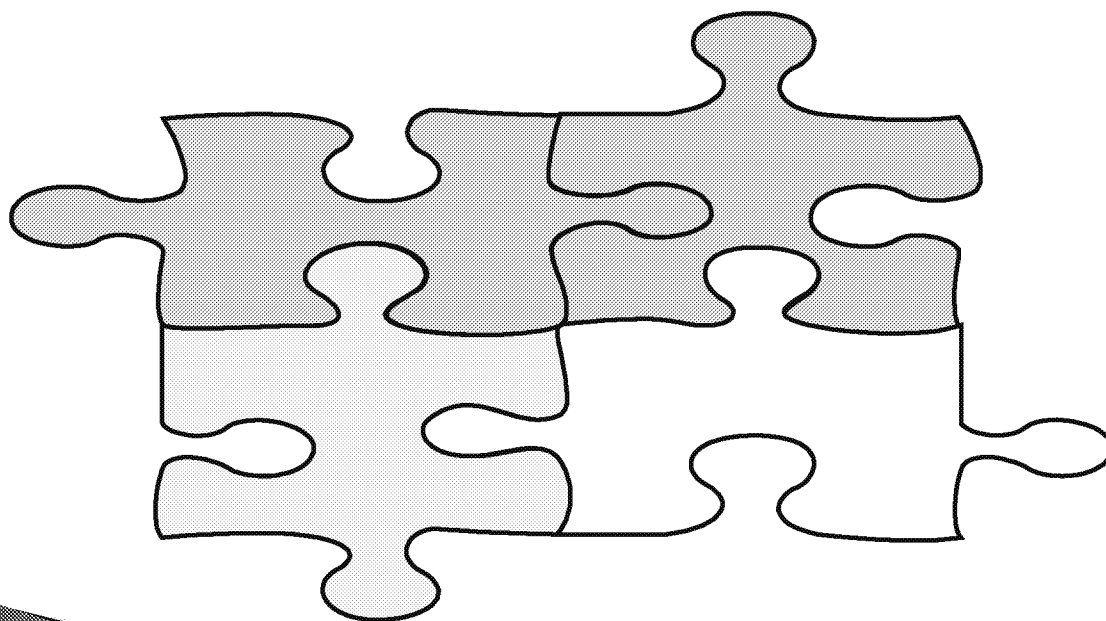
- Bureau of Ocean Energy Management or Bureau of Safety and Environmental Enforcement (BOEM/BSEE) GOM OCS Region @ 800-200-4853

- U.S. Coast Guard
 - Corpus Christi @ 361-939-6393/6349
 - Houston-Galveston @ 713-671-5133
 - New Orleans @ 504-846-6160

- National Response Center @ 800-424-8802

- EPA Web site on the National Oil and Hazardous Substances Pollution Contingency Plan:
<http://www.epa.gov/oem/content/lawsregs/ncpover.htm>

Q & A



**EPA Public Hearing on THE OCS GENERAL
PERMIT (Permit No. GMG290000)**

- September 1, 2022

Public Hearing will start at 7:00 pm CST

For more information on the authorization request, instructions on how to submit comments, and links to documents (click on Texas or Louisiana then follow the links to the The OCS Permit GMG290000):

<https://www.epa.gov/publicnotices>

You may also submit comments identified by Docket No. EPA-R06-OW-2022-0603 at <https://www.regulations.gov>. These comments carry the same weight as those given in the Public Hearing.

Comment period ends September 20, 2022

Instructions for giving testimony

Hearing Officer: Jay
Przyborski Attorney,
EPA Region 6

- › **If you would like to provide Public Testimony, please CALL - 844 277-1775 and use conference ID 9473297 to join the call. After you have joined the call please PRESS *1 (Star 1) on your telephone keypad to join the Public Testimony Queue.**
- ›
- › Speakers will be heard in the order they signed up. Before it is your turn to speak, the operator will announce your name and ask you to begin.
- ›
- › Each speaker will be given THREE MINUTES to provide testimony. When three minutes have passed, the Hearing Officer will say the words "THREE MINUTES." At this time, please conclude your remarks as quickly as possible. If you do not very quickly conclude your remarks, the operator will mute your line and announce the next speaker.
- ›
- › If there is time remaining after the hearing officer has taken all testimony, speakers who were not able to finish in the allotted three minutes will have an opportunity to conclude their remarks. Oral testimony will be given the same weight as written comments, so if your remarks are lengthy, please consider submitting them as provided in the public notice. EPA will continue to accept written comments through January 11, 2021.

**EPA Public Hearing on THE OCS GENERAL
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- September 1, 2022

Public Hearing has ended

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